



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

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ATTORNEY GENERAL

January 26, 1978

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ARIZONA ATTORNEY GENERAL

Honorable Jim Skelly
Arizona House of Representatives
State Capitol
Phoenix, Arizona 85007

Re: 78 - 11 (R78 - 10)

Dear Representative Skelly:

In your letter of January 4, 1978, you sought our opinion whether a particularly described professional golf tournament, "guess the correct score" contest, which involves payment of a fee to obtain a scoring card and award of prizes to the person(s) predicting most correctly, would violate the Arizona Lottery Statute, A.R.S. § 13-436.

For the reasons expressed at length and convincingly in Atty.Gen.Op. Nos. ~~R75-794~~ ¹⁷⁵⁻¹⁹ (1976) and ~~R75-253~~ ¹⁷⁵⁻¹⁶⁶ (1975), we think the proposal you detail would indeed violate § 13-436. Briefly, the proposal incorporates the three elements necessary to constitute a lottery: payment of valuable consideration by participants who seek to win a prize that will be awarded predominantly by chance. See, e.g., Boies v. Bartell, 82 Ariz. 217 (1957).

We find unconvincing the March 17, 1975 opinion by the Florida Attorney General regarding the "Bet-Go Score Card", which opinion you were kind enough to send us. That opinion is in conflict with the Arizona Standard that the "consideration" necessary for a lottery is that which flows from those seeking the prize(s) to those conducting the enterprise. No Arizona decision has ever regarded the requisite consideration as that passing from the original suppliers of the prizes to those entrepreneurs or that passing from "chance-takers" to original "prize-suppliers".

We trust this answers your inquiry.

Very truly yours,

BRUCE E. BABBITT
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